



ABRA Update #320 – November 4, 2021

Issue Highlights . . .

- Two legal challenges to MVP heard before Fourth Circuit
- WV mine safety site gets O.K., despite environmental concerns
- A virtual tour of Proposed Shenandoah Mountain Scenic Area
- WV Highlands Conservancy voices concerns over forest project
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Two legal challenges to MVP heard before Fourth Circuit

A three-judge panel of the Fourth Circuit Court of Appeals heard oral arguments on October 29 on two separate cases brought by ABRA members challenging permits issued for the Mountain Valley Pipeline (MVP).

The first case, *Wild Virginia v. U.S. Forest Service* challenged the decisions made by the Forest Service and the Bureau of Land management authorizing the MVP to cross the Jefferson National Forest. The second case, *Appalachian Voices v. the U.S. Department of Interior*, challenged the Fish and Wildlife Service's Biological Opinion and Take Statement regarding its evaluation of the MVP's impact on wildlife protected by the Endangered Species Act. A decision on both cases is anticipated by early 2022.

For a recording of the Fourth Circuit proceedings, click [here](#). The Forest Service case is #21-1039; the Fish and Wildlife case is #20-2159. For a *E&E News* story on the oral arguments, click [here](#).

WV mine safety site gets O.K., despite environmental concerns

A proposed mine safety test facility to be located in Mace, WV, straddling the Pocahontas-Randolph county line, has been approved by the National Institute for Occupational Safety and Health (NIOSH), despite strong opposition over environmental issues from conservation groups in WV, local residents and the nearby Snowshoe Mountain Resort. The NIOSH decision was announced in an [October 27 Federal Register Notice](#).

The test mine is to replace a facility located in Fayette County, PA and is to support research programs focused on miner health and safety issues. Opponents of the proposed facility, which included several ABRA members with interests in the area, expressed concerns about its impact on groundwater.

For more information, click [here](#) for a *Charleston Gazette-Mail* story.

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A virtual tour of Proposed Shenandoah Mountain Scenic Area

Friends of Shenandoah Mountain (FSM), a long-time ABRA member, has proposed that a 90,000-acre tract of the George Washington National Forest be designated by Congress as a National Scenic Area. FSM has just created a virtual tour of the proposed Scenic Area site. To see it, click [here](#). The Shenandoah Mountain Scenic Area (SMSA) is one of the projects that is part of ABRA's Conservation Hub program. To access the SMSA page in the Hub portion of the ABRA website, click [here](#).

WV Highlands Conservancy voices concerns over forest project

A proposed project in the Monongahela National Forest (MNF) has evoked strong concerns from the West Virginia Highlands Conservancy (Conservancy), the state's most prominent conservation organization and a founding member of ABRA. The stated purpose by the MNF of the Gauley Healthy Forest Restoration Project (GHFRP), located in Nicholas and Greenbrier Counties, WV, is to "improve forest stands by developing healthy stands that are more resistant to insects, disease and fire." The project is one of those covered by ABRA's Conservation Hub program and its National Forest Integrity Project (click [here](#) for the Hub page about the GHFRP).

In a November 3 letter to the MNF, the Conservancy said that the proposed GHFRP does not fit the requirements established for such projects by the relevant authorizing statute, the Healthy Forest Restoration Act, originally enacted in 2003.

"None of the information that was provided to us provides an explanation of how the proposed clearcuts fit the requirement to maximize retention of old-growth and large trees, nor does the information explain how clearcutting would maintain or restore ecological integrity, structure, function, composition, and connectivity. Under natural conditions, mixed hardwood forests of the Monongahela National Forest are dominated by uneven-aged, old-growth stands (see Monongahela National Forest Final Environmental Impact Statement for Forest Plan Revision, USDA Forest Service 2006, p. 3-108). While clearcutting may meet objectives established for timber production or habitat enhancement for early successional species, it does not constitute ecological restoration in the forest types of the project area."

The Conservancy's comments point out that the GHFRP, as proposed, indicates the potential for significant effects to several resource areas. The letter also points to the need for there to be an analysis of the cumulative impacts on the Candy Darter, an endangered species whose limited habitat includes that portion of West Virginia. A copy of the Conservancy's comments is available [here](#).

West Virginia Highlands Conservancy is a founding member of ABRA and is a prominent supporter and sponsor of ABRA's Conservation Hub program.

In the News:

Regional Issues

Will property owners who lost land to scuttled Atlantic Coast Pipeline get it back?

- NC Policy Watch – 10/28/21

<http://www.ncpolicywatch.com/2021/10/28/will-property-owners-who-lost-land-to-scuttled-atlantic-coast-pipeline-get-it-back/>

Related:

- <https://mountainstatespotlight.org/2021/10/25/atlantic-coast-pipeline-west-virginia/>

Mountain Valley Pipeline nears completion, but hurdles remain

- The Roanoke Times – 11/2/21

https://roanoke.com/news/local/mountain-valley-pipeline-nears-completion-but-hurdles-remain/article_e613a4f4-3c24-11ec-853d-1fe5c53e7132.html

Environmental concerns dominate Army Corps public comment hearing on key permit for Mountain Valley Pipeline

- Charleston Gazette-Mail – 11/2/21

https://www.wvgazette.com/news/energy_and_environment/environmental-concerns-dominate-army-corps-public-comment-hearing-on-key-permit-for-mountain-valley-pipeline/article_db7a8046-dc06-5678-9b1c-590cbc893fe6.html

Those speaking out against the pipeline, which would transport natural gas 303 miles from Wetzel County to Southern Virginia, pointed to the project's past water quality violations and concerns expressed by federal environmental regulators about its potential water-crossing effects.

Court hears arguments in latest legal attack on Mountain Valley Pipeline

- The Roanoke Times – 10/29/21

https://roanoke.com/news/local/court-hears-arguments-in-latest-legal-attack-on-mountain-valley-pipeline/article_a02d8a74-38df-11ec-a245-e37e7d8df9a4.html

Water Board should reject Mountain Valley Pipeline permit this time around

- Virginia Mercury – 10/26/21

<https://www.virginiamercury.com/2021/10/26/29214/?fbclid=IwAR2CtkEBTCAUrtudgFA4oDeo93OIVRIETdtvP7xMoXL3KUqNGY-e3JU8KBU>

At issue in Chickahominy Pipeline hearing: Just what is a public utility?

- Virginia Mercury – 11/4/21

<https://www.virginiamercury.com/2021/11/04/at-issue-in-chickahominy-pipeline-hearing-just-what-is-a-public-utility/>

Regulators hear testimony on whether proposed pipeline needs state approval

Underground mine safety test center near Snowshoe gets green light

- Charleston Gazette-Mail – 10/26/21

https://www.wvgazette.com/news/underground-mine-safety-test-center-near-snowshoe-gets-green-light/article_f7bcd84-23dd-543a-b491-4fb566427403.html

Siemens Gamesa Renewable Energy Plans Virginia Beach, Virginia, Offshore Wind Turbine Facility

- Area Development – 11/1/21

<https://www.areadevelopment.com/newsitems/11-1-2021/siemens-gamesa-renewable-energy-virginia-beach-virginia.shtml>

The \$200 million project is expected to create 310 new jobs.

Big Picture:

Even as Biden Pushes Clean Energy, He Seeks More Oil Production

- The New York Times – 11/1/21

<https://www.nytimes.com/2021/11/01/climate/biden-oil-gas-cop26.html>

President Biden acknowledged “it seems like an irony” that he is asking energy-rich nations to boost oil production as he implores the world to tackle climate change.

FERC's Christie calls for fixing interconnection 'chaos' as first step in transmission reform

- Utility Dive – 11/4/21

<https://www.utilitydive.com/news/ferc-christie-interconnection-chaos-transmission-reform/609464/>

About 950GW (gigawatts) of proposed power projects, mostly solar, wind and storage, are currently backlogged in the interconnection process. For reference, as of February 2021, the U.S. had a *total generating capacity* of about [1,200GW](#). This is a real problem.

Court sends Jordan Cove LNG project back to FERC

- E&E Energywire – 11/2/21

<https://www.abralliance.org/wp-content/uploads/2021/11/Court-sends-Jordan-Cove-LNG-project-back-to-FERC-EE-Energywire-11-2-21.pdf>

Related:

- <https://www.abralliance.org/wp-content/uploads/2021/10/Court-grills-FERC-on-climate-eminant-domain-review-of-gas-project-EE-Energywire-10-29-21.pdf>

Senate confirms Michael Connor to lead Army Corps

- E&E News – 11/4/21

<https://www.abralliance.org/wp-content/uploads/2021/11/Senate-confirms-Michael-Connor-to-lead-Army-Corps-EE-News-11-4-21.pdf>

Connor will take the post of assistant secretary of the Army for civil works, just as the Biden administration pivots the agency's focus to tackle climate change, flooding, environmental justice and boosting tribal consultation.

In Their Own Words: The Dirty Dozen Documents of Big Oil's Secret Climate Knowledge

- DeSmog – 10/29/21

<https://www.desmog.com/2021/10/29/dirty-dozen-documents-big-oil-secret-climate-knowledge-part-1/>

Am I shocked? Of course not. A little more pissed off than yesterday? Yeah!

Pipeline firm deposited millions into fund for police to 'protect' Line 3 project

- ABC News – 11/1/21

<https://www.msn.com/en-us/news/us/pipeline-firm-deposited-millions-into-fund-for-police-to-protect-line-3-project/ar-AAQbeJ2?ocid=BingNewsSearch>

U.S. announces methane rules at climate summit

- E&E Energywire – 11/2/21

<https://www.abralliance.org/wp-content/uploads/2021/11/U.S.-announces-methane-rules-at-climate-summit-EE-Energywir-11-2-21.pdf>

Over 90 countries have now signed up to cut their emissions from a variety of sources 30 percent by 2030.

Floating Wind Farms Are About to Transform the Oceans

- The Atlantic – 11/4/21

<https://www.theatlantic.com/science/archive/2021/11/floating-wind-farms-california-marine-life/620489/>

One way or another, life just off the coast of California is about to change.